



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
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On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued its opinion in Environmental Defense Fund (EDF) v. Environmental Protection Agency (EPA), No. 97-1637, that the EPA must make an affirmative determination that the submitted Motor Vehicle Emission Budgets (the budgets) contained in State Implementation Plans (SIPs) are consistent with applicable requirements for attainment of the National Ambient Air Quality Standards (NAAQS) before they are used to test the conformity of Transportation Improvement Programs (TIPs) or Long Range Transportation Plans (plans). In addition, EPA agreed to make these submitted budgets available for public comment and respond to those comments when announcing our determination of their adequacy.


On December 28, 2000, the State of Maryland submitted, "Modification to Phase II Attainment Plan for Cecil County, Revising the Mobile Source Emission Budget, Adding Tier 2 Standards" to EPA. The December 28, 2000 submittal contains new budgets for the ozone attainment demonstration for 2005 and new budgets for the revised Rate of Progress Plan for 2005. On January 17, 2001, we posted the availability of the budgets in the Conformity Adequacy Review Area (Cecil County) on EPA's conformity website for the purpose of soliciting public comment. The comment period closed on February 16, 2001. No comments were submitted.

We have reviewed the budgets the revised Phase II SIP in accordance with the procedures and criteria for review in the following sections of the Conformity Rule: 40 CFR Part 93, Sections 93.118(e)(4)(i) through (e)(4)(vi) and Section 93.118(e)(5). Our review is detailed in the enclosed Technical Support Document (TSD) entitled, "Adequacy Findings for the Mobile Vehicle Emissions Budgets in the Revised Phase II Plan for the Maryland Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County): Revisions to Mobile Budgets to Reflect the Tier II/Sulfur-in-Fuel Rule." Based upon that review and after consideration of the comments received, EPA finds the budgets in the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County) adequate for transportation conformity purposes.

We will be posting today's findings on EPA's website at, <http://www.epa.gov/oms/traq> and we will also announce today's findings on the motor vehicle budgets in the Federal Register. That announcement will be published as soon as possible. The findings of adequacy of the budgets of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County) will be effective 15 days after publication of the announcement in the Federal Register.

If you or your staff have any questions please feel free to contact Marcia L. Spink, Associate Director for Air Programs at (215) 814-2104 or Robert Kramer, Chief, Energy, Radiation and Indoor Environment Branch at (215) 814-2704.

Sincerely,


Judith M. Katz, Director
Air Protection Division

Enclosure

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